

### REMARKS

Reconsideration of the application is respectfully requested in view of the above amendments and following remarks. Claims 1-5, 7-12, 14-16 and 18-23 were pending in the present application. Claims 18-22 were withdrawn by the Examiner due to a restriction requirement. Claims 1-5, 7-12, 14-16 and 18-23 are rejected. Claims 2, 4-6, 9 and 11-13 have been canceled. Claims 1, 3, 7, 8, 10 and 14 have been amended. Claims 1, 3, 7, 8, 10, 14-16 and 23 are currently pending in the present application.

Claims 2, 4-6, 9 and 11-13 have been cancelled without prejudice to filing a divisional application directed to the subject matter claimed therein.

Claim 1 has been amended by: 1) replacing the definition of R1 with the definition of R1 from page 10, line 24 to page 11, line 3 of the specification; 2) replacing the definition of R2 with the definition of R2 from page 12, line 15 to page 13, line 4 of the specification; 3) replacing the definition of R4 with the definition of R4 from page 14, lines 21-26 of the specification; 4) replacing the definition of R6 with the definition of R6 from original Claim 7; 5) replacing the definition of Ra with the definition of Ra from page 17, lines 23-33 of the specification; 6) replacing the definition of Rb with the definition of Rb from page 20, lines 5-21 of the specification; 7) replacing the definition of Rh with the definition of Rh from page 23, lines 1-9 of the specification; 8) replacing the definition of cycloheteroalkyl with the definition of cycloheteroalkyl from page 30, lines 26-28; 9) replacing the definition of heteroaryl with the definition of heteroaryl from page 30, lines 11-13; and 10) deleting the definitions of Re, Rf, Rg and aryl – which are no longer required.

Claim 3 has been amended to depend from Claim 1 instead of canceled Claim 2.

Claim 7 has been amended by: 1) replacing the definition of R1 with the definition of R1 from page 11, lines 9-12 of the specification; 2) replacing the definition of R2 with the definition of R2 from page 13, lines 10-14 of the specification; 3) replacing the definition of Rb with the definition of Rb from page 20, lines 22-23 of the specification; and 4) deleting the definition of R6 – which is no longer required.

Claim 8 has been amended by: 1) replacing the definition of R1 with the definition of R1 from page 11, lines 9-12 of the specification; 2) replacing the definition of R2 with the definition of R2 from page 13, lines 10-14 of the specification; 3) replacing the definition of R4 with the definition of R4 from page 14, lines 21-26 of the specification; 4) replacing the definition of Ra with the definition of Ra from page 17, lines 23-33 of the specification; 5) replacing the definition of Rb with the definition of Rb from page 20, lines 5-21 of the specification; 6) replacing the definition of Rh with the definition of Rh from page 23, lines 1-9 of the specification; 7) adding the definition of cycloalkyl from page 29, lines 31-32 of the specification; 8) adding the definition of cycloheteroalkyl from page 30, lines 26-28 of the specification; 9) adding the definition of heteroaryl from page 30, lines 11-13 of the specification; and 10) deleting the definitions of Re, Rf and Rg – which are not required.

Claim 10 has been amended to depend from Claim 8 instead of canceled Claim 9.

Claim 14 has been amended by replacing the definition of Rb with the definition of Rb from page 20, lines 22-23 of the specification.

No new matter has been added to the above-captioned application by the above amendments.

#### CLAIM REJECTIONS - 35 USC § 112

##### LACK OF ENABLEMENT

The Examiner indicated that Claims 1-5, 7-12, 14-16 and 23 are rejected under 35 USC 112, first paragraph, because the specification does not reasonably provide enablement for the broader scope in Claim 1. The Examiner indicated that the compounds are not enabled; and that the specification shows no use or actual working examples employing these compounds. The Examiner further noted that the assay on pages 164-165 of the specification recites a technique but provides no data that is applicable to the claimed compounds or provides a use for the claimed compounds. The Examiner noted that given the breadth of the claims, the level of unpredictability in the art and the lack of direction (e.g. working examples) provided as to what other ring systems might work this rejection is applied.

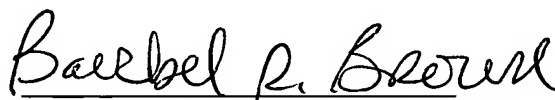
Serial No.: 10/509,584  
Case No.: 21085Y  
Page No.: 27

Applicants have amended Claims 1, 3, 7, 8, 10 and 14 as outlined above. Applicants have also canceled Claims 2, 4-6, 9 and 11-13.

In view of the claim amendments and cancellations, Applicants respectfully submit that the present claims are allowable and request reconsideration and withdrawal of the rejection of Claims 1-5, 7-12, 14-16 and 23.

Applicants believe that all of the rejections have been overcome and therefore earnestly solicit an early Notice of Allowance.

Respectfully submitted,

By   
Baerbel R. Brown, Reg. No. 47,449  
Attorney for Applicants

MERCK & CO., Inc.  
P.O. Box 2000  
Rahway, NJ 07065-0907  
Tel.: (732)594-0672

September 26, 2008